

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OSCAR STILLEY, #10579-062

PLAINTIFF

v.

CIVIL ACTION NO. 3:19CV6-HTW-LRA

MATTHEW WHITAKER, ET AL

DEFENDANTS

ORDER

THIS MATTER is before the Court on several motions filed by Plaintiff Oscar Stilley [6, 7, & 10]. Plaintiff paid the filing fee in this case, and his motion to proceed *In Forma Pauperis* [2], was dismissed as moot by Text Only Order entered this day. Plaintiff's request for service by the United States Marshals Service was previously denied by that Order [5] entered on January 8, 2019.

In his motion [6], Plaintiff asks for a copy of all pleadings in his case, an "exhaustive" docket sheet, and all notices of electronic filing. He also asks specifically for copies of the Orders of the undersigned. He requests additional time to serve the complaint.

Plaintiff does not mention how he intends to pay for the copies he requests. He has not been granted *in forma pauperis* and will not be, as he has shown the ability to pay the full filing fees. Even if he had been granted IFP, he is not entitled to free copies at taxpayers' expense. Plaintiff's Complaint is unusually lengthy, 356 pages, including the

exhibits, and he must prepay the Clerk for copying costs before copies will be prepared and mailed. He has also named at least nine Defendants so the total pages to be copied would be over 3,000 pages. He may pay 50 cents per page if he orders the pleadings by mail. If a family member prints them from the public terminal in the Clerk's office, the charge is 25 cents per page.

The Court shall provide free to Plaintiff a full docket sheet, dated this day, as well as copies of the three Orders entered by the undersigned in this case. Plaintiff also asks for an extension of time to serve process, and the motion shall be granted. He requests additional time to appeal the Orders of the undersigned. He may appeal Orders of the undersigned to the District Judge by written pleading to be filed on or before April 30, 2019. The extension is granted only as to appealable Orders.

Plaintiff filed a motion requesting the Court to enter an Order directing the Clerk to "re-stack" exhibits to the Complaint prior to any service of process [7]. The Clerk has filed the voluminous Complaint and exhibits (356 pages) to the best of his ability. Furthermore, the request is confusing and cannot be easily met. The motion shall be denied.

Finally, Plaintiff requests an extension of time to serve process [10], asking for an additional 90 days from the date of this ruling. That request shall be granted. Because Plaintiff must effect process without the assistance of the Court or the Marshals Service, the Court will freely grant him an extension in order that he has ample time to cause

process to be served. He may request his family members to assist him in sending out waivers or procuring copies. Or, he may hire a process server effectuate service.

The Court notes that Plaintiff, although proceeding *pro se*, has a distinct advantage over other prisoners filing civil lawsuits. He was able through the assistance of family members to pay the full filing fee in this case. But, primarily, he is fortunate because he was a practicing attorney prior to his conviction and is skilled in his knowledge of the law. He will not be barred from federal court due to his poverty or abilities. He will not be prejudiced by the Court's failure to allow him to proceed at taxpayer expense with the costs of filing or the costs of service of process.

IT IS, THEREFORE, ORDERED:

1. Plaintiff's motion [6] is **granted** only to the extent set forth hereinabove. His request for free copies is **denied**, except that attached to this Order are the docket sheet and all prior Orders entered by the undersigned.
2. Plaintiff may appeal to the district judge any appealable Order of the undersigned on or before April 30, 2019.
3. Plaintiff's motion for the Clerk to "re-stack" the exhibits [7] is **denied**.
4. Plaintiff 's motion for an extension of time to serve process [10] is **granted**.
He shall serve Defendants with a summons and copy of the Complaint on or before **July 12, 2019**.

SO ORDERED, this the 11th day of April 2019.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE